

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALORNIA

DAKOTA MASSI,

Plaintiff,

v.

LOWE’S HOME CENTERS, LLC.

Defendant.

Case No. 1:23-cv-00698-ADA-CDB

ORDER GRANTING STIPULATION TO
ALLOW PLAINTIFF TO AMEND
COMPLAINT TO ADD ADDITIONAL
DEFENDANT BLUE RHINO INC.

(Doc. 13)

On December 21, 2022, Plaintiff Dakota Massi (“Plaintiff”) filed this action in the Superior Court for the State of California, County of Kern. (Doc. 1). Defendant Lowe’s Home Centers, LLC (“Defendant”) removed the action to this Court on May 5, 2023. *Id.*

Pending before the Court is the parties’ stipulation to allow Plaintiff to file an amended complaint adding Blue Rhino Inc., a Californian corporation, as a defendant in this action. (Doc. 13). The parties acknowledge that once the amended complaint is filed adding Blue Rhino, Inc. as a defendant, there no longer will be complete diversity of citizenship of the parties and the matter will be remanded to state court due to a lack of subject matter jurisdiction. *Id.*

As the stipulation complies with Fed. R. Civ. P. 15(a)(2), which directs the Court to “freely give leave” to amend when justice so requires, IT IS HEREBY ORDERED:

1. The parties’ stipulated request to allow Plaintiff to amend his complaint to add

additional defendant Blue Rhino Inc. is GRANTED;

2. No later than November 17, 2023, Plaintiff SHALL FILE as a stand-alone docket entry the first amended complaint attached to the parties' stipulation (Doc. 13 at 5-15); and
3. No later than November 22, 2023, Plaintiff SHALL FILE either (1) a stipulated request to remand the action to state court, or (2) a report setting forth good cause for any further delay in remanding the action.

IT IS SO ORDERED.

Dated: November 14, 2023


UNITED STATES MAGISTRATE JUDGE